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10/686,820	10/16/2003	Manny Manimtim Gabriel	GTII01	8485

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EXAMINER

KIM, WESLEY LEO

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/686,820	Applicant(s) GABRIEL ET AL.	
	Examiner Wesley L. Kim	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.  
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-10 and 14-42 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-6,8-10 and 14-42 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 25 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is in response to Amendment filed on 4/25/06.

- Claims 7 and 11-13 are cancelled.
- Claims 38-42 are newly added.
- Claims 1-10 and 14-37 are currently amended.
- Claims 1-6, 8-10, and 14-42 are pending in the current Office Action.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-6, 8-10, and 14-42 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-6, 8, 10, 14, 19, 23-31, 33-37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knotts (U.S. Pub 2003/0045309 A1) in view of Gunluk (U.S. Patent 5768509), Boltz (U.S. Patent 6311055 B1) and Carrigan (U.S. Pub. 2005/0117602 A1).

**Regarding Claims 1-6, 8, 10, 14-15, 19-20, 23, 26, 29, 35 and 38**, Knotts teaches at least a first hardware device located in a first wireless communication network (Fig.3;1010, 1012, 1014, 1016);

said first hardware device being connected to the Internet (Fig.8;3<sup>rd</sup> and 6<sup>th</sup> vertical line indicates that the internet gateways are connected to internet);

first hardware device having a machine readable storage, having stored thereon a computer program comprising a plurality of code sections executable by a machine for receiving and forwarding SMS messages from the internet to said first wireless communication network and from said first wireless communication network to the internet (Par.49;5-8 and the gateway in fig.3 can send and receive SMS messages to and from the MDC (part of ICSP) over the internet depending on where the message is originated, the hardware device obviously has a computer program comprising a plurality of code sections executable by a machine for receiving and forwarding SMS messages from the internet);

at least a second hardware device located in a second wireless communication network (Fig.3;1110, 1112, 1114, 1116); said second hardware device being connected to the Internet (Fig.8;3<sup>rd</sup> and 6<sup>th</sup> vertical line indicates that the internet gateways are connected to internet);

said second hardware having a machine readable storage, having stored thereon a computer program comprising a plurality of code sections executable by a machine for receiving and forwarding SMS messages from the Internet to said second wireless communication network and from said second wireless communication network to the Internet (Par.49;5-8 and the gateway in fig.3 can send and receive SMS messages to and from the MDC (part of ICSP) over the internet depending on where the message is originated, the hardware device obviously has a

computer program comprising a plurality of code sections executable by a machine for receiving and forwarding SMS messages from the internet).

at least one server that is connected to the Internet (Fig.8; ICSP, which comprises MDC, a database, and a routing table is connected to the Internet);

said first hardware device receiving an SMS message from a user's SMS device in said first wireless communication network and forwarding said SMS message to said server on the Internet (Fig.8;700 and Fig.3, SMS from Src A, i.e. SMS device, is forwarded to MDC, i.e. server via the gateway),

said second hardware device receiving said SMS message from said server and forwarding said SMS message to said intended recipient in said second wireless communication network (Fig.8;710 and Fig.8;720, gateways forwards message to intended recipient), said second hardware device sending a confirmation message to said server after said intended recipient has received said SMS message (Par.76;1-5, the ICSP, i.e. server, receives an acknowledgement that the message has been received, therefore it is obvious the second hardware device sends a message to the server); said server having a machine readable storage, having stored thereon a computer program comprising a plurality of code sections executable by a machine for maintaining a plurality of interrelated tables comprising a database (Fig.1;ICSP is the server and comprises Fig.1;110, i.e. database, and Fig.1;120, table), and Knotts teaches that the database and table contains predetermined routing (Par.84 and Par.87;5-14 and Fig.5;488, automatically appends the appropriate routing information to the phone number) and identification

information for routing SMS messages to selected identified SMS message recipients (Par.81, phone number and associated carrier information is identification information for routing SMS messages to selected SMS message recipients), said server obtaining routing information from said database for directing said SMS message to said intended recipient (Par.84 and Par.87:5-14 and Fig.488, the syntaxes appended to the mobile phone number is routing information), said routing information including identifying said second wireless communication network (Par.84, identifies the recipient carrier) and determining the IP address of said second hardware device to which said SMS message will be forwarded (Fig.8:706, message is sent from server to second hardware device over the internet, so it is obvious that the IP address of the second hardware device has been determined), forwarding said SMS message to said second hardware device (Fig.8:720), however Knotts **is silent on** said database containing user provided personalized information cross-referencing SMS user devices for routing SMS messages to selected, identified SMS message recipients, said server receiving said SMS message from said first hardware device, analyzing said SMS message and accessing said database to verify that said SMS message originated from an authorized user and to determine the intended recipient of said SMS message, and maintaining account information for debiting said user.

Knotts does teach that the MDC, i.e. sever, may be custom controlled to enable restriction of incoming and outgoing messages to certain carrier networks (Par.64). Gunluk teaches that it is well known in the art that a server has the

capability to check if the destination is an authorized SMS recipient (Col.1;52-56, this means that there is an allowed/restricted list which a user can send SMS messages to) and Boltz further teaches that it is well known in the art that a user can specify on a server which phone numbers are to be blocked so that outgoing calls to the identified number is restricted (Col.2;20-27), to one of ordinary skill in the art, it would be obvious to also apply this call barring option to the transmission of SMS messages.

Carrigan further teaches that there is a server, i.e. IPG node, which handles the transmission of SMS messages between different networks, including a billing/charging entity (Abstract and Par.96-100).

To one ordinary skill in the art, it would have been obvious to modify Knotts with Gunluk, Boltz, and Carrigan, such that said database containing user provided personalized information cross-referencing SMS user devices for routing SMS messages to selected, identified SMS message recipients, said server receiving said SMS message from said first hardware device, analyzing said SMS message and accessing said database to verify that said SMS message originated from an authorized user and to determine the intended recipient of said SMS message, and maintaining account information for debiting said user, to provide a method where SMS messages will not be accidentally delivered to a destination which the user does not wish to contact, e.g. an unauthorized user, sends a random SMS to a person you do not want contact, and when SMS messages are delivered, the user is then charged for the services provided by the service provider accordingly.

***With further regards to Claim 18 and 19***, the examiner takes Official Notice that it would be well known in the art to implement a plurality of servers and hardware devices within the network to account of the large number of users within a network. In addition, high traffic can be easily handled by the plurality of hardware devices and servers, so that the users are not bothered with delays of messages or service.

***With further regards to Claim 23***, the examiner takes Official Notice that it is very well known in the art to have information identifying the SMS message user device from which said SMS message was sent.

***With further regards to Claim 26 and 29***, Knotts further teaches that the SMS message is forwarded from the server to recipients email address (Par.84).

**Regarding Claim 3**, the combination as discussed above teaches all the limitations as recited in claim 1, and Knotts further teaches that the cellular phones are connected to computers (Fig.3;1016, 1014, 1012, 1010, all these elements are computers and the mobile phone is connected to them).

**Regarding Claim 4**, Knotts teaches that the hardware device is programmed to assist the server device in determining which other hardware device to forward the SMS messages to (Fig.8;702, by forwarding the message to the server, the SMSC or gateway has assisted in determining which other hardware device to forward the SMS messages to).

**Regarding Claim 5**, Knotts teaches the server is a computer (Fig.1, ICSP is comprised of computers, which make up the database and table).



**Regarding Claim 8**, Knotts teaches that the server device is programmed to forward SMS messages for authorized users of the system to the user's email account (Par.84).

**Regarding Claim 17 and 21**, Knotts teaches SMS messages are forwarded to and received by an SMSC of a wireless communication carrier (Fig.8;2<sup>nd</sup> and 7<sup>th</sup> vertical line depicts an SMSC).

**Regarding Claim 22**, Knotts teaches servers exchange information concerning SMS messages (Par.49) and Carrigan teaches user account information exchanged via the internet (Par.96-101).

**Regarding Claims 24, 27, 30, 33, and 36**, Carrigan teaches of performing a pre-paid credit query to see if a user has enough credit to send an SMS message (Par.97-101, it is obvious that the users account will be debited after the message is successfully completed).

**Regarding Claim 25, 28, 31, 34, and 37**, the examiner takes Official Notice that it is well known in the art to send an acknowledgement of a successfully forwarded message to the person originating the SMS message. To assure the user that the message was successfully received and not lost in the transfer process.

**Regarding Claim 39**, Knotts teaches that 2-way messaging devices (i.e. first computer) send and receive SMS messages (Fig.8). It is obvious that 2-way messaging devices, i.e. mobile phones or PDAs or laptops, have a keyboard attached to said input port.

**Regarding Claim 40**, Knotts teaches that a cellular telephone is connected to said input port of said first computer (i.e. gateway) (Fig.8; 1<sup>st</sup> vertical line, i.e. mobile phone is connected to second vertical line, i.e. first computer or gateway).

**Regarding Claim 41**, Knotts teaches that 2-way messaging devices (i.e. first computer) send and receive SMS messages (Fig.8). It is obvious that 2-way messaging devices, i.e. mobile phones or PDAs or laptops, have a display.

**Regarding Claim 42**, Knotts teaches that a cellular telephone is connected to said output port of said second computer (i.e. gateway) (Fig.8; 8th vertical line, i.e. mobile phone is connected to 6th vertical line, i.e. second computer or gateway).

2. Claims 9, 16 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knotts (U.S. Pub 2003/0045309 A1) in view of Gunluk (U.S. Patent 5768509), Boltz (U.S. Patent 6311055 B1) and Skog (U.S. Patent 6947738 B2).

**Regarding Claim 9, 16, 32**, the combination of Knotts, Gunluk, and Boltz in the rejection of claim 1 teach all the limitations as recited in claim 32, however the combination **is silent on** (e) determining that said recipient is authorized to retrieve said SMS message from said server via an HTML based interface; and

(f) storing said SMS message until said recipient retrieves it.

Skog teaches that an SMS message is stored until a user retrieves it via an HTML based interface (Col.3;57-65 and Col.9;29-34).

To one of ordinary skill in the art, it would have been obvious to modify Knotts, Gunluk, and Boltz with Skog, such that (e) determining said recipient is authorized to retrieve said SMS message from said server via an HTML based

interface; and (f) storing said SMS message until said recipient retrieves it, to provide a method where if the user can retrieve the message when it is convenient for the user, e.g, when enough memory has been freed up to accept an SMS message.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

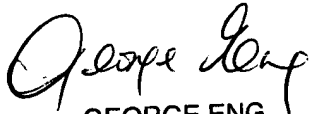
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley L. Kim whose telephone number is 571-272-7867. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WLK



GEORGE ENG  
SUPERVISORY PATENT EXAMINER